

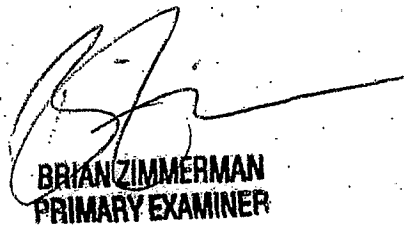
Application/Control Number: 09/111096

Page 4

Art Unit: 2735

BaZ

October 29, 1998



BRIAN ZIMMERMAN
PRIMARY EXAMINER

TAB

5

1./10/1998 10:41 9147624126

RODNEY T HODGSON PHD

PAGE 01

Official

FAX RECEIVED

NOV 10 1998

Group 2700

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the following **attached** correspondence comprising:

**RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENTS
AND ELECTION OF SPECIES**

is being sent by facsimile transmission to FAX NUMBER 703-305-4716 **3988**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

ATTENTION EXAMINER: BRIAN ZIMMERMAN

on November 10, 1998

Return phone number 914-762-5248

Rodney T. Hodgson Agent # 37,849

Fax Phone Number 914-762-4126

(Name of person sending paper or fee)

Number of Pages 2

R Hodgson

(Signature of person sending paper or fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Trieu C. Chieu et. al.

November 10, 1998

Serial No.: 09/111,096

Group No.: 2735

Filed: July 6, 1998

Examiner: Brian Zimmerman

For: Method for Communicating with RF Transponders

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Serial No. 09/111,096

Docket No. YO996-178A

11/10/1998 10:41 9147624126

RODNEY T HODGSON PHD

PAGE 02

**RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENTS
AND ELECTION OF SPECIES**

In response to the Office Action dated 11/04/98 , please amend the above-identified application as follows:

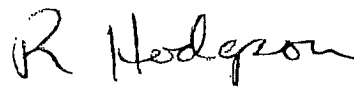
In the claims:

Cancel Claims 31-37 and 40-47 without prejudice.

REMARKS

Applicant elects the single disclosed species of wave amplitude for examination. If generic claims 28, 39, and 47 are allowed, applicant will amend the application to reintroduce the canceled claims.

Respectfully,



Rodney T. Hodgson Agent # 37,849

822 Pinesbridge Road,

Ossining, NY 10562.

914-762-5248 (Fax 914-762-4126)

e-mail - patents@aip.org

TAB 6

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/111,096	07/06/98	CHIEU T	Y0996-178A

RODNEY T HODGSON
822 PINESBRIDGE ROAD
OSSINING NY 10562

LM01/0112

EXAMINER

ZIMMERMAN, B

ART UNIT

PAPER NUMBER

2735

DATE MAILED: 01/12/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/111,096

Applicant(s)

Chieu

Examiner

Brian Zimmerman

Group Art Unit

2735
☒ Responsive to communication(s) filed on Nov 10, 1998
☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims
☒ Claim(s) 29, 30, 38, and 39 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 29, 30, 38, and 39 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.
Application Papers
☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.
Priority under 35 U.S.C. § 119
☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
Attachment(s)
☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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2735

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DOUBLE PATENTING

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 29,30,38,39 are rejected under the judicially created doctrine of double patenting over claims 1-28 of U. S. Patent No. 5777561 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: transponder grouping scheme

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

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ART REJECTION

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10 4. Claims 29,30,38,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cesar (5673037) in view of either Brophy (4071908) or Cotie (4667193).

Brophy and Cotie both show the claimed polling schemes, however they do not expressly show such schemes in a RF tag system. Note that claims 29 and 30 require that the wave characteristic (amplitude) be used to define groups, the responses in
15 both Brophy and Cotie read on that limitation. Also claims 38 and 39 merely require that the tags are grouped "according the amplitude of the response signal". This is broad enough to even include that the received data is used to make the decision.

In analogous art, Cesar shows a RF tag polling scheme which is interested in grouping of tags to efficiently communicate with all tags.

20 Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the polling scheme of either Brophy or Cotie in the RF tag system of Cesar to improve communication efficiency.

OTHER PRIOR ART CITED

The prior art made of record and not relied upon is considered pertinent to

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2735

4


applicant's disclosure.

CONTACT INFORMATION

5 Any inquiry concerning this communication or earlier communications
from the examiner should be directed to Brian Zimmerman whose telephone number is
(703) 305-4796.

Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 305-3900.

10


Brian Zimmerman
Patent Examiner
Art Unit 2735

15 703-305-4796
January 06, 1999

FORM PTO 948 (REV. 11-97)

U.S. DEPARTMENT OF COMMERCE-Patent and Trademark Office

Application No.

09/111096

NOTICE OF DRAFTERPERSON'S PATENT DRAWING REVIEW

The drawing filed (insert date) 7/6/98 are:A. ✓ not objected to by the Draftperson under 37 CFR 1.84 or 1.152.B. objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink. Color.

 Color drawing are not acceptable until petition is granted.Fig.(s) Pencil and non black ink is not permitted. Fig(s)

2. PHOTOGRAPHS. 37 CFR 1.84(b)

 Photographs are not acceptable until petition is granted, 3 full-tone sets are required. Fig(s) Photographs not properly mounted (must be on Bristol board or photographic double-weight paper). Fig(s) Poor quality (half-tone). Fig(s)

3. TYPE OF PAPER. 37 CFR 1.84(e)

 Paper not flexible, strong, white and durable.Fig.(s) Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin) Mylar, vellum paper is not acceptable (too thin).Fig(s)

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

 21.0 cm by 29.7 cm (DIN size A4) 21.6 cm by 27.9 cm (8 1/2 x 11 inches) All drawings sheets not the same size.Sheet(s)

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
SIZE: A4 SizeTop 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
SIZE: 8 1/2 x 11 Margins not acceptable. Fig(s) Top (T) Left (L) Right (R) Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

 Views connected by projection lines or lead lines.Fig.(s)

Partial views. 37 CFR 1.84(h)(2)

 Brackets needed to show figure as one entity.Fig.(s) Views not labeled separately or properly.Fig.(s) Enlarged view not labeled separately or properly.Fig.(s)

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

 Hatching not indicated for sectional portions of an object.Fig.(s) Sectional designation should be noted with Arabic orRoman numbers. Fig.(s)

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

 Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig.(s) Views not on the same plane on drawing sheet. Fig.(s)

9. SCALE. 37 CFR 1.84(k)

 Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.Fig.(s)

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

 Lines, numbers & letters not uniformly thick and well defined, clean, durable and black (poor line quality).Fig.(s)

11. SHADING. 37 CFR 1.84(m)

 Solid black areas pale. Fig.(s) Solid black shading not permitted. Fig.(s) Shade lines, pale, rough and blurred. Fig.(s)

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

 Numbers and reference characters not plain and legible.Fig.(s) Figure legends are poor. Fig.(s) Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(3) Fig.(s) English alphabet not used. 37 CFR 1.84(p)(3) Fig.(s) Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig.(s)

13. LEAD LINES. 37 CFR 1.84(q)

 Lead lines cross each other. Fig.(s) Lead lines missing. Fig.(s)

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

 Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig.(s)

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

 Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig.(s)

16. CORRECTIONS. 37 CFR 1.84(w)

 Corrections not made from PTO-948 dated

17. DESIGN DRAWINGS. 37 CFR 1.152

 Surface shading shown not appropriate. Fig.(s) Solid black shading not used for color contrast.Fig.(s)

COMMENTS

REVIEWER DATE 7/29/98TELEPHONE NO. ATTACHMENT TO PAPER NO.

PTO COPY

Notice of References Cited				Application No. 09/111,096		Applicant(s) Chieu	
				Examiner Brian Zimmerman		Group Art Unit 2735	
						Page 1 of 1	
U.S. PATENT DOCUMENTS							
		DOCUMENT NO.	DATE	NAME		CLASS	SUBCLASS
	A	4,636,950	1/13/87	Caswell		340	825.54
	B	4,673,932	6/16/87	Ekchain		340	825.54
	C	5,214,410	5/25/93	Verster		340	572
	D	5,410,315	4/25/95	Huber		342	42
	E	5,550,547	8/27/96	Chan		342	42
	F	5,588,005	12/24/96	Ali		340	825.54
	G	5,606,323	2/25/97	Heinrich		340	825.54
	H	5,673,037	9/30/97	Cesar		340	825.54
	I	4,071,908	1/31/78	Brophy		340	825.52
	J	4,667,193	5/19/87	Cotie		340	825.52
	K						
	L						
	M						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
	N						
	O						
	P						
	Q						
	R						
	S						
	T						
NON-PATENT DOCUMENTS							
		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
	U						
	V						
	W						
	X						

TAB

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03/16/1999 15:00 9147624126

RODNEY T HODGSON PHD

PAGE 07

OFFICIAL

Docket No. YO996-178A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Trieu C. Chieu et. al.

March 15, 1999

Serial No.: 09/111,096

Group No.: 2735

Filed: July 6, 1998

Examiner: Brian Zimmerman

For: Method for Communicating with RF Transponders

Received

MAR 17 1999

Group 2700

ASSOCIATE POWER OF ATTORNEY

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Please recognize Rodney T. Hodgson Reg. No. 37,849 as associate agent in the prosecution of the above-identified application for Letters Patent, with full power: to prosecute said application; to make alterations and amendments therein; to receive all notices, communications and said Letters Patent at the address indicated below; and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Direct Telephone and/or FAX Calls to: Rodney T. Hodgson (914) 762-5248
(FAX) (914) 762-4126 e-mail patents@aip.org

IBM IP Law Dept.

Box 218,

Yorktown Hts, NY 10598

Phone 914-945-3145


Louis J. Percello, Registration no. 33206

TAB

8

03/16/1999 15:00 91476241.

RODNEY T HODGSON PHD

PAGE 01

OFFICIAL

Received
MAR 17 1999
Group 2700

8/13
3/18/99

1 **CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the following **attached** correspondence comprising:

RESPONSE AND AMENDMENT

is being sent by facsimile transmission to FAX NUMBER 703-305-3988

Commissioner of Patents and Trademarks

Washington, D.C. 20231

ATTENTION EXAMINER: BRIAN ZIMMERMAN

on March 16, 1999

Return phone number 914-762-5248

Rodney T. Hodgson Agent # 37,849

Fax Phone Number 914-762-4126

(Name of person sending paper or fee)

11 Number of Pages 7

R. Hodgson

(Signature of person sending paper or fee)

16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Trieu C. Chieu et. al.

March 16, 1999

Serial No.: 09/111,096

Group No.: 2735

21 Filed: July 6, 1998

Examiner: Brian Zimmerman

For: Method for Communicating with RF Transponders

Commissioner of Patents and Trademarks

Washington, D.C. 20231

26

RESPONSE AND AMENDMENT

In response to the Office Action dated 01/12/99 , please amend the above-identified application as follows:

Serial No. 09/111,096

Docket No. YO996-178A

1

03/16/1999 15:00 91476241

RODNEY T HODGSON PHD

PAGE 02

1 **In the claims:**

Amend claim 29 by replacing the words "the wave characteristics" with --a physical wave characteristic-- in lines 3-4, and inserting the word --wave-- after the word "electromagnetic" in line 4.

6 Amend claim 38 by inserting the words -- a physical characteristic of -- before the words "their responsive" in line 9.

Add new claims

1 ~~3~~⁴48. (New Claim) The method of claim 29 wherein at least one defining physical wave
2 characteristic is the wave frequency.--

1 ~~4~~⁴49. (New Claim) The method of claim 29 wherein at least one defining physical wave
2 characteristic is the polarization of the signal.--

1 ~~5~~⁵50. (New Claim) The method of claim 29 wherein at least one defining physical wave
2 characteristic is the phase shift of a return signal.--

B 1 ~~6~~⁶51. (New Claim) The method of claim 29 wherein at least one defining physical wave
2 characteristic is the strength of the signal.--

1 ~~7~~⁷52. (New Claim) The method of claim 29 wherein at least one defining physical wave
2 characteristic is the amplitude modulation of the signal.--

1 ~~8~~⁸53. (New Claim) The method of claim 29 wherein at least one defining physical wave
2 characteristic is the wavelength of the signal.--

1 ~~11~~⁹54. (New Claim) A base station as in claim 28 wherein RF tags are grouped according to the
2 wave frequency of their respective return signals.--

03/16/1999 15:00 91476241

RODNEY T HODGSON PHD

PAGE 03

1 ¹² - ~~55~~. (New Claim) A base station as in claim ⁹ 38 wherein RF tags are grouped according to the
 2 polarization of their respective return signals. - -

1 ¹³ - ~~56~~. (New Claim) A base station as in claim ⁹ 38 wherein RF tags are grouped according to the
 2 phase shift of their respective return signals. - -

B1
Cont. 2 ¹⁴ - ~~57~~. (New Claim) A base station as in claim ⁹ 38 wherein RF tags are grouped according to the
 strength of their respective return signals. - -

1 ¹⁵ - ~~58~~. (New Claim) A base station as in claim ⁹ 38 wherein RF tags are grouped according to the
 2 amplitude modulation of their respective return signals. - -

1 ¹⁶ - ~~59~~. (New Claim) A base station as in claim ⁹ 38 wherein RF tags are grouped according to the
 2 frequency modulation of their respective return signals. - -

1 ¹⁷ - ~~60~~. (New Claim) A base station as in claim ⁹ 38 wherein RF tags are grouped according to the
 2 wavelength of their respective return signals. - -

03/16/1999 15:00 91476241

RODNEY T HODGSON PHD

PAGE 04

1 ¹⁸ - ~~61~~. (New Claim) An RF tag unit reading unit comprising:

2 a computer;

3 a transmitter;

4 a receiver; and

5 at least one antenna;

6 wherein the RF tag reading unit communicates with a plurality of RF tags by:

7 interrogating the RF tags with electromagnetic energy;

8 grouping the RF tags according to a physical characteristic of their responsive

9 electromagnetic signals, and

10 reading the RF tags in each group. - -

REMARKS

11
12 Claims 29 and 38 have been amended to more definitely claim the invention. The
13 amendment introduces the idea of a "physical" attribute or characteristic to the claims. This is
14 supported in the abstract of the application. New claims 48-60 identical to canceled claims 31-37
15 and 40-46 have been introduced, since Applicant states that generic claim 29 (as amended) is
16 allowable. New claim 61 is canceled claim 47 amended to more definitely claim the invention.

17 Claims 29-30, 38-39 are rejected on double patenting grounds. Examiner has stated that
18 this rejection may be overcome by submitting a terminal disclaimer. Such a disclaimer is attached
19 to this communication, as well as a power of attorney necessary for such a disclaimer. Claims 29-
20 30, 38-39 are hence allowable under double patenting grounds.

03/16/1999 15:00 91476241

RODNEY T HODGSON PHD

PAGE 05

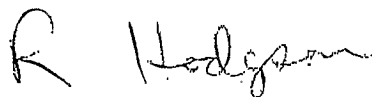
1 Claims 29-30, 38-39 are rejected on 35 U.S.C. 103(a) grounds. Neither Brophy et al,
2 Cotie et al., nor Cesar et al. mention or suggest grouping the tags in accordance with "a physical
3 wave characteristic of the electromagnetic wave energy received from the RF tags" Rather, the
4 "tags" select themselves according to a signal sent from the "base station".

5 Applicant states that claims 29 and 38 (as amended) and new claim 61 are patentable over
6 the art cited. Since claims 29, 38, and 61 are generic and patentable, the dependent claims
7 canceled in the restriction requirement may be reintroduced as claims 48-60 and are themselves
8 allowable since they are dependent on allowable independent claims.

9 An additional fee of \$ 110 is required for a one month extension of time and a fee of \$110
10 is due for a terminal disclaimer fee. Please debit deposit account 8/2240 for this amount.

11 On the basis of the above amendments and remarks, reconsideration of this application and
12 its early allowance is requested.

13 Respectfully,



14 Rodney T. Hodgson Agent # 37,849

15 822 Pinesbridge Road,

16 Ossining, NY 10562.

17 914-762-5248 (Fax 914-762-4126)

18 e-mail - patents@aip.org

TAB 9

03/16/1999 15:00 9147624126

RODNEY T HODGSON PHD

PAGE 06

RECEIVED

MAR 17 1999

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Approved for use through 10/31/99, OMB 0651-0031
 Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

70996-178A

In re Application of: Tried C. Chien et al.Application No. 09/111,096Filed: July 6, 1998For: Method of Communicating with RF Transponders
International Business Machines Corporation

The owner, Interneet Corp. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,777,564. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

R Hodgson March 16/99
 Signature Date

Rodney T. HODGSON
 Typed or printed name

03/23/1999 DSAVDY
 Sale Ref: 00000002
 01 FC:148

00000002-00000002 disclaimer fee under 37 CFR 1.20(d) included.

DAH: 082240
 110.00 CH

09111076
 acct 8/2240 - RTH

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

TAB

10



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
0077 1,846	05/10/99	CHIEU	T Y0996-178A

ROBERT A. CHIEU
921 PINEBURKE ROAD
CHIEU, NY 10512

05/10/99

EXAMINER

ZIMMERMAN, B

ART UNIT	PAPER NUMBER
----------	--------------

2735

10

DATE MAILED: 05/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.

09/111,096

Applicant(s)

Chieu

Examiner

Brian Zimmerman

Group Art Unit

2735



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amendment and Terminal Disclaimer filed 3/17/99

☒ The allowed claim(s) is/are 29, 30, 38, 39, and 48-62

☒ The drawings filed on Jul 6, 1998 are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

BRIAN ZIMMERMAN
PRIMARY EXAMINER
ART UNIT 2735

PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with applicable fees, to:

Box ISSUE FEE
Assistant Commissioner for Pat
Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

RAYMOND J. HODGSON
501 1st St. N.E.
08017, ALBANY, GA 31706

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

R. T. HODGSON

(Depositor's name)

R Hodgson

(Signature)

Aug 26, 1999

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/11/99	08/26/99	1	ELBERMAN, B 2735	05/26/99
First Named Applicant	09/11/99 (b) term ext. 0 Days.			

TITLE OF INVENTION: METHOD AND APPARATUS FOR TRANSDUCERS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	01 020110	001	UTILITY	NO	\$1210.00	08/26/99

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. R. T. HODGSON

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: Intermed I.P. Corp

(B) RESIDENCE: (CITY & STATE OR COUNTRY)

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☒ Advance Order - # of Copies: 10

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The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

R Hodgson

(Date)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

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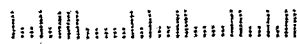
PATENT AND TRADEMARK OFFICE

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01 FC:142
002 FC:561

Rodney T. Hodgson, PhD
822 Pinesbridge Road,
Ossining, NY 10562



**Commissioner of Patents and Trademarks,
Washington, DC 20231**



PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number							
Effective October 1, 1997						09111096							
CLAIMS AS FILED - PART I						SMALL ENTITY TYPE <input type="checkbox"/>		OR		OTHER THAN SMALL ENTITY			
FOR		NUMBER FILED		NUMBER EXTRA		RATE		FEE		RATE		FEE	
BASIC FEE								395.00				790.00	
TOTAL CLAIMS		19		minus 20 = *		x\$11=				x\$22=			
INDEPENDENT CLAIMS		3		minus 3 = *		x41=				x82=			
MULTIPLE DEPENDENT CLAIM PRESENT						+135=				+270=			
						TOTAL				TOTAL		790	
* If the difference in column 1 is less than zero, enter "0" in column 2													
CLAIMS AS AMENDED - PART II						SMALL ENTITY		OR		OTHER THAN SMALL ENTITY			
(Column 1)		(Column 2)		(Column 3)		RATE		ADDITIONAL FEE		RATE		ADDITIONAL FEE	
AMENDMENT A	A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA							
	Total	*	4	Minus	** 20	=	x\$11=		OR	x\$22=			
	Independent	*	2	Minus	*** 3	=	x41=		OR	x82=			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						+135=			OR	+270=		
						TOTAL ADDIT. FEE			OR	TOTAL ADDIT. FEE			
AMENDMENT B	B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA							
	Total	*	18	Minus	** 20	=	x\$11=		OR	x\$22=			
	Independent	*	3	Minus	*** 3	=	x41=		OR	x82=			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						+135=			OR	+270=		
						TOTAL ADDIT. FEE			OR	TOTAL ADDIT. FEE			
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA							
	Total	*		Minus	**	=	x\$11=		OR	x\$22=			
	Independent	*		Minus	***	=	x41=		OR	x82=			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						+135=			OR	+270=		
						TOTAL ADDIT. FEE			OR	TOTAL ADDIT. FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.													
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."													
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."													
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.													

☆U.S. GOVERNMENT PRINTING OFFICE 1997-422-215

(LEFT INSIDE)

SEARCHED

Class	Sub.	Date	Exmr.
340	825.54 572.1	1/6/98	BZ
342	42		
340	825.52		
update search		5/25/99	

SEARCH NOTES
(INCLUDING SEARCH STRATEGY)

	Date	Exmr.
see parent	5/25/99	BZ

INTERFERENCE SEARCHED

Class	Sub.	Date	Exmr.
Search	Above	5/25/99	BZ